

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>Yiwu Baimei Electronic Commerce Co., Ltd.</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>The Partnerships And Unincorporated Associations Identified On Schedule “A”</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 24-cv-08280</p> <p style="text-align: center;">Judge Thomas M. Durkin</p> <p style="text-align: center;">Magistrate Judge Jeffrey T. Gilbert</p>
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PRELIMINARY INJUNCTION ORDER

Plaintiff Yiwu Baimei Electronic Commerce Co., Ltd. (“Plaintiff” or “Baimei”) filed a Motion for Entry of a Preliminary Injunction against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the domain names identified in Schedule A (the “Defendant Domain Names”) and the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS Baimei’s Motion in part as follows.

This Court finds Baimei has provided notice to Defendants in accordance with the Temporary Restraining Order entered September 23, 2024, [DOCKET NO. 15] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Baimei has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have marketed and displayed Baimei's federally registered copyrights (the "Hollow Halloween Works"), as well as sold products using infringing versions of the Hollow Halloween Works, to residents of Illinois. [In this case, Baimei has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores displaying the Hollow Halloween Works and through which Illinois residents can and do purchase products utilizing versions of the Hollow Halloween Works. *See Docket No. [9-3]*, which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its goods to customers in Illinois utilizing the Hollow Halloween Works.]

This Court also finds that the injunctive relief previously granted in the TRO should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Baimei's previously granted Motion for Entry of a TRO establishes that Baimei has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Baimei will suffer irreparable harm if the injunction is not granted.

Specifically, Baimei has proved a *prima facie* case of Copyright infringement because (1) the Hollow Halloween Works are distinctive marks and are registered with the United States Copyright Office, and (2) Defendants are not licensed or authorized to use any of the Hollow Halloween Works. Furthermore, Defendants' continued and unauthorized use of the Hollow Halloween Works irreparably harms Baimei through diminished goodwill and brand confidence, damage to Baimei's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Baimei has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
 - a. displaying or using the Hollow Halloween Works or any reproductions, substantially similar versions or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not authorized by Baimei;
 - b. passing off, inducing, or enabling others to display or utilize the Hollow Halloween Works that is not authorized, controlled, or supervised by Baimei and approved by Baimei;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of Baimei, or are sponsored by, approved by, or otherwise connected with Baimei; and

- d. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory utilizing the Hollow Halloween Works which is not manufactured by or for Baimei, nor authorized by Baimei to be sold or offered for sale, and which display any of Hollow Halloween Works, or any reproductions or substantially similar representations of the Hollow Halloween Works.
2. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a PublicDomainRegistry.com, and Namecheap Inc., within seven (7) calendar days of receipt of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further order by this Court.
4. Upon Baimei's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. (the "Third Party Providers"), shall, within seven (7) calendar days after receipt of such notice, provide to Hollow Halloween Works expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
 - b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
 - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Inc. ("PayPal"), LianLian Global, LL Pay U.S., LLC, and Lianlian Yintong Electronic Payment Co. Ltd. ("LianLian"), Paypal, Stripe, and PingPong, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Baimei's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of goods utilizing the Hollow Halloween Works.

6. Any Third Party Providers, including LianLian Global, LL Pay U.S., LLC, and Lianlian Yintong Electronic Payment Co. Ltd. (“LianLian”), Paypal, Stripe, and PingPong, shall, within seven (7) calendar days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants’ seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses for Defendants identified in Exhibit Two to the Declaration of Jun Wu, and any e-mail addresses provided for Defendants by third parties; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants’ assets until further order by this Court.
7. Baimei may provide notice of the proceedings in this case to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Pleadings, this Order, and other relevant documents on a website and by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit [Two] to the Declaration of Jun Wu and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of “3dayandnight and all other Defendants identified in the Operative Complaint” that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Plaintiff's Pleading(s) [DOCKET NO. 1] and Exhibits 1-4 thereto Schedule A to the Pleading(s) [DOCKET NO(s). 9], Exhibits [1-3] to the Declaration of Jun Wu, and the TRO [DOCKET NO. 15] are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
10. The \$8,000 bond posted by Baimei shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:



THOMAS M. DURKIN
United States District Judge

Dated: October 24, 2024

SCHEDULE A

Def. No.	Platform	Store Name	Store Link
1	eBay	3dayandnight	https://www.ebay.com/usr/5_26600?_trksid=p2047675.l2559
2	eBay	huihui86_7	https://www.ebay.com/usr/huihui86_7?_trksid=p2047675.m3561.l2559
3	eBay	kaidi55	https://www.ebay.com/usr/kaidi55?_trksid=p2047675.m3561.l2559
4	eBay	luckyseller-01	https://www.ebay.com/str/luckyseller01
5	eBay	m55_77	https://www.ebay.com/str/m557788
6	eBay	maiya666	https://www.ebay.com/usr/maiya666?_trksid=p2047675.m3561.l2559
7	eBay	miaomiao5202016-5	https://www.ebay.com/usr/miaomiao5202016-5?_trksid=p2047675.m3561.l2559
8	eBay	wan556_9	https://www.ebay.com/str/cici6696